

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)		
PLAINTIFFS Lucas County Department of Job and Family Services	DEFENDANTS Shera Renai Jones			
ATTORNEYS (Firm Name, Address, and Telephone No.) <small>John Borell, LC Prosecutor's Office Lucas County Courthouse, Ste. 250 Toledo, OH 43624 (419) 213-4728</small>	ATTORNEYS (If Known) <small>Diana Khouri 6300 Rockside Road #204 Cleveland, OH 44131 1-866-964-7275</small>			
PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee			
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Dischargeability due to fraud, 11 U.S.C. section 523(a)(2)(A).				
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input checked="" type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div> </td> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case) </td> </tr> </table>			FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input checked="" type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div>	FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)
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<input type="checkbox"/> Check if this case involves a substantive issue of state law		<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23		
<input type="checkbox"/> Check if a jury trial is demanded in complaint		Demand \$ 3,455.58		
Other Relief Sought Plus costs, amount to be determined.				

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR Shera Renai Jones		BANKRUPTCY CASE NO. 10-37361-maw
DISTRICT IN WHICH CASE IS PENDING Northern District of Ohio	DIVISION OFFICE Western	NAME OF JUDGE Mary Ann Whipple
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) /s/John A. Borell		
DATE	PRINT NAME OF ATTORNEY (OR PLAINTIFF) John A. Borell	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO,
WESTERN DIVISION

IN RE:

ADVERSARY NO. _____

Shera Renai Jones

RELATED CASE NO. 10-37361-maw

JUDGE:

Debtor,

Lucas County Department of
Job and Family Services
3210 Monroe Street
P.O. Box 10007
Toledo, OH 43699-0007,

COMPLAINT TO DETERMINE
DISCHARGABILITY OF DEBT
FRAUDULENTLY INCURRED

Plaintiff,

Julia R. Bates,
Lucas County Prosecutor
John A. Borell,
Assistant Prosecutor (0016461)
Lucas County Courthouse
700 Adams Street, Ste. 250
Toledo, OH 43624
(419) 213-4728 Phone
(419) 213-2011 Fax
Counsel for Lucas County Dept.
of Job and Family Services

v.

Shera Renai Jones
828 Clifton Blvd.
Toledo, OH 43607,

Defendant.

COMPLAINT

Now comes Plaintiff, the Lucas County Department of Job and Family Services, hereinafter "Plaintiff", through counsel, and for its Complaint against Defendant – Debtor, Shera Renai Jones, hereinafter "Defendant", states as follows:

1. That, there is due and owing from Defendant to Plaintiff the total monetary sum of \$3,455.58, and;
2. That, the aforesaid sum represents government assistance benefits in the form of publicly funded day care assistance wrongfully and/or unlawfully received by Defendant from Plaintiff during the period of January 5, 2005, through April 16, 2005;
3. That, the aforesaid government assistance benefits were wrongfully and unlawfully obtained by Defendant
 - a. under false pretenses; as a result of one or more false representations; and/or as a result of actual fraud under 11 U.S.C. section 523 (a)(2)(A), to wit:

Defendant deceived Plaintiff by knowingly failing to disclose to Plaintiff that she was not working during the period January 5, 2005, through April 16, 2005, which would have rendered her ineligible for publicly funded day care benefits but continued to use publicly funded day care during said time period.
4. Defendant, on or about, October 18, 2004, executed a document entitled "Addendum to Child Care Application- Child Care Agreement" (See attached Exhibit A) wherein Defendant acknowledges that she understands that Defendant is responsible for repayment of any unauthorized day care and that unauthorized day care usage constitutes fraud.
5. That, as a consequence of having fraudulently obtained these government benefits, as aforesaid, the monetary sum due and owing from Defendant to Plaintiff is not dischargeable in bankruptcy notwithstanding Defendant's October 29, 2010, filing of a Voluntary Bankruptcy Petition seeking such relief.

WHEREFORE, Plaintiff, respectfully prays this honorable court for an order declaring that the debt owed by Defendant to Plaintiff in the amount of \$3,455.58 is not dischargeable pursuant to Title 11 USC Sections 523 (a)(2)(A); and for an order awarding Plaintiff all costs incurred in the pursuit of this lawsuit; and for such other and further relief as is just and equitable.

/s/John A. Borell,
Assistant County Prosecutor

**County of Lucas
Department of Job & Family Services**

3210 Monroe Street • P.O. Box 10007
Toledo, Ohio 43699-0007
419-213-8999

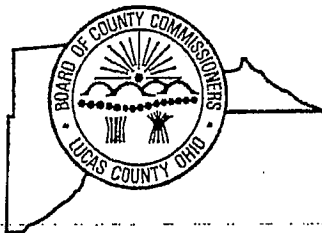
www.state.oh.us/odjfs/county/lucas

Isaac R. Palmer
Director

**BOARD OF COUNTY
COMMISSIONERS**

HARRY BARLOS
PRESIDENT

MARGARET B. THURBER
TINA SKELDON WOZNAK



**Addendum to Child Care Application (ODJFS 1138)
Child Care Agreement**

I understand and agree that I will use child care services **only** for the times when I am approved for by my case manager for school, employment, participating in Job Search/WEP or other _____. I also understand that I am responsible to pay for unauthorized day care myself and that I will lose the opportunity to have child care services through LCJFS if I owe money to the child care provider and/or center which cared for my child(ren). I understand that unauthorized usage constitutes fraud. That I can be denied child care services for misrepresentation of need, failure to report changes in need, or unauthorized usage.

Shea R. Jones 10-18-04
Client Signature Date

Work Activities Case Manager Date

15
10-18-04